

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JASON PANZA,

Plaintiff,

v.

NORFOLK SOUTHERN
RAILWAY COMPANY,

Defendant.

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Case No. 20-cv-00880

Hon. Jack Zouhary

JOINT STATEMENT OF THE CASE

Plaintiff Jason Panza and Defendant Norfolk Southern Railway Company, by and through their respective counsel, submit the following Joint Statement of the Case pursuant the Court's order dated September 9, 2021 (ECF #42):

This is a case brought by the Plaintiff, Jason Panza, against the Defendant, Norfolk Southern Railway Company, under the Federal Employer's Liability Act, a law which gives railroad employees like the Mr. Panza the right to bring a lawsuit against their employer for injuries that they claim were partially or wholly caused by the negligence of their railroad employer for failing to provide a reasonably safe place to work.

On May 2, 2019, Mr. Panza was employed by Norfolk Southern as a railroad signal maintainer. He claims that, on that date, he was injured while digging out mud and rocks that he claims were causing a safety hazard at a railroad switch. Mr. Panza claims that the incident caused serious injury to his left shoulder and bicep, and caused him to undergo two surgeries, including a left shoulder replacement. Mr. Panza claims that he is not able to return to work at the railroad, and that he is entitled to recover for his pain and suffering and lost earnings as a result of the injury.

Norfolk Southern denies that it was negligent. Norfolk Southern also claims that plaintiff's actions on that day caused or contributed to his own injury.

The parties stipulate, or agree, that Norfolk Southern was a common carrier by railroad engaged in interstate commerce at the time Mr. Panza's claimed injury occurred.

The parties dispute:

1. Whether Norfolk Southern negligently failed to provide Mr. Panza with a reasonably safe workplace at the time of the incident alleged.
2. Whether the negligence of Norfolk Southern, if any, was a cause, in whole or in part, of any damages or injuries sustained by Mr. Panza.
3. What damages and/or injuries were sustained by Mr. Panza as a result of the incident alleged in this case.

Respectfully submitted,

/s/ Benjamin J. Wilensky
Arvin J. Pearlman
Benjamin J. Wilensky
Counsel for Plaintiff Jason Panza

/s/ Sheila A. McKeon
Sheila A. McKeon (0012067)
Sarah V. Beaubien (0087735)
Counsel for Defendant
Norfolk Southern Railway Company

Dated: November 1, 2021

CERTIFICATE OF SERVICE

Benjamin J. Wilensky hereby certifies that on this 1st day of November, 2021, he filed the foregoing document with the Clerk of the Court via the Court's ECF system, which will automatically serve the document upon all counsel of record.

/s/ Benjamin J. Wilensky
Counsel for Plaintiff